

Zoning Text Amendment No.: 18-12  
Concerning: Setback Exemptions –  
Fences  
Draft No. & Date: 1 – 11/16/18  
Introduced: December 11, 2018  
Public Hearing:  
Adopted:  
Effective:  
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsor: Councilmember Riemer

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- revise the standards for an exemption to the building line and setback requirements for certain fences

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 6.4. “General Landscaping and Outdoor Lighting”  
Section 6.4.3. “General Landscaping Requirements”

**EXPLANATION:** ***Boldface** indicates a Heading or a defined term.*

*Underlining indicates text that is added to existing law by the original text amendment.*

*[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.*

*Double underlining indicates text that is added to the text amendment by amendment.*

*[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.*

*\* \* \* indicates existing law unaffected by the text amendment.*

*ORDINANCE*

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

**Sec. 1. DIVISION 59-6.4 is amended as follows:**

**Division 6.4. General Landscaping and Outdoor Lighting**

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**Section 6.4.3. General Landscaping Requirements**

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**C. Fences and Walls**

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**3. Exemptions from Building Line and Setbacks**

Building line and setback requirements do not apply to:

a. deer fencing:

i. in an Agricultural or Rural Residential zone; or

ii. behind the front building line for property in a non-Agricultural or non-Rural Residential zone unless the property adjoins a national historical park[.];

b. a retaining wall where changes in street grade, width, or alignment have made such structures necessary;

c. any other wall or fence that is not on a property abutting a national historic park and is:

i. 6.5 feet or less in height when not abutting a Commercial/Residential, Employment, or Industrial zone; or

ii. 8 feet or less in height when [located in a Residential zone and] the fence abuts:

(A) a Commercial/Residential, Employment, or Industrial zone; or

(B) a master planned right-of-way for a rail line; or

(C) any service road that provides access to a master  
planned right-of-way for a rail line;

- d. a rustic fence on a property abutting a national historical park;
- e. any boundary fence behind the front building line, if the  
property is located within 100 feet of a parking lot in a national  
historical park; and
- f. deer fencing and any other fence that is 8 feet or less in height,  
if the property is farmed and agriculturally assessed.

**Sec. 2. Effective date.** This ordinance becomes effective 20 days after the  
date of Council adoption.

This is a correct copy of Council action.

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Megan Davey Limarzi, Esq.  
Clerk of the Council